

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

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5 WILBUR WADE ATCHERLEY,) No. C 04-4434 MMC (PR)
6 Petitioner,) **ORDER DENYING REQUEST FOR**
7 v.) **APPOINTMENT OF COUNSEL**
8 A. SCRIBNER,) **(Docket No. 20)**
9 Respondent.)
10 _____)

11 Petitioner, a California state prisoner proceeding pro se, filed the above-titled
12 petition for a writ of habeas corpus. He has filed a second motion for appointment of
13 counsel. In denying petitioner's first motion for appointment of counsel, see Knaubert v.
14 Goldsmith, 791 F.2d 722, 728 (9th Cir. 1986) (holding that Sixth Amendment's right to
15 counsel does not apply in habeas actions), the Court advised petitioner that it would sua
16 sponte issue an order appointing counsel should the need for such appointment arise.
17 Petitioner shall not file any further motions for the appointment of counsel. Petitioner
18 thus far has adequately presented his claims, and no evidentiary hearing has been
19 ordered.¹ Consequently, there is no need for appointment of counsel at this time, and
20 petitioner's second request is hereby DENIED.

21 This order terminates Docket No. 20.
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23 IT IS SO ORDERED.
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25 DATED: January 19, 2005
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28 MAXINE M. CHESNEY
United States District Judge

1The Court will consider petitioner's requests for an evidentiary hearing and for oral
argument, in conjunction with its review of the merits of the petition.